HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A No.2520 of 2006
Date of decision : 29.01.2007

Daya Nand .....**Appellant**

versus

Ravinder Kumar Sanghi .....**Respondent**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.N.S.Shekhawat, Advocate for the appellant.

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ORDER

HEMANT GUPTA, J. (Oral)

The defendant is in second appeal aggrieved against the judgment and decree passed by the learned Courts below, whereby suit for possession after terminating the tenancy of the defendant, was decreed.

The controversy between the parties was in respect of the period when the construction of the demised premises was raised. Both the Courts below have found that the construction was raised in the year 1990. The said finding is based on rent note, Exhibit P-1, executed by the defendant-appellant, wherein it has been admitted that he is the first occupant of the premises. After considering the entire evidence led by the parties, including the statement of the tenant and the witnesses produced by the parties, a firm finding of fact has been recorded that in fact the construction was raised in the year 1990. The said finding is sought to be disputed by re-appreciation of evidence in second appeal.

I do not find any illegality or irregularity in the findings recorded by the Courts below, which may raise any substantial question of law in second appeal for consideration of this Court.

The appeal stands dismissed.

However, the decree for possession shall not be executed for a period of three months, provided the appellant deposits the entire arrears of rent towards use and occupation of the premises as well as for the period the appellant remains in possession, within 3 weeks from today before the learned Executing Court.

(HEMANT GUPTA)
JUDGE

January 29, 2007
**mohinder*